

Title 1: Secretary of State

Part 2: Organization and Executive Policies and Procedures

Part 2 Chapter 4: Public Records Procedure: In compliance with the Mississippi Public Records Act of 1983, Miss. Code Ann. § 25-61-1.

Rule 4.1 Scope. This rule establishes procedures and fees associated with all public requests for copies and/or inspection of public documents under the purview of the Mississippi Department of Finance & Administration.

A. Submission of Requests.

1. All requests for information should be submitted in writing to:

Office of the Mississippi Secretary of State
c/o Director of Communications
401 Mississippi Street
Jackson, MS 39205

2. Requests may be mailed, hand delivered, or transmitted via facsimile at (601) 359-6700.
3. No verbal or telephone requests can be accepted.
4. The request should specifically outline the records that are being requested.

B. Timetable for processing. All document requests will be approved or denied within seven (7) business days after the request is received. In the event of a denial for all or part of the request, the Office of the Secretary of State will provide an explanation of the denial to the requestor in writing. If the requested information is unable to be produced by the seventh day after the request is made, the Secretary of State's Office will provide a written explanation regarding why the document cannot be produced during that timeframe. Unless there is a mutual agreement of the parties, in no case shall the production of the requested records, after timely payment and unless otherwise exempt, be any later than fourteen (14) working days from the receipt of the request.

C. Exempt Documents. Some documents are exempt from publication such as personnel records, attorney communications and work products of attorneys.

D. Third Party Information. Records furnished to the Office of the Secretary of State by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until the third party has been advised that the documents will be released. Further, no third party information will be released if a third party obtains a court order prohibiting the same. The requestor will be notified of any court orders that prohibit the release of the requested information.

- E. **Assessment of costs to the Requestor.** Payment for information requested must be made in advance receipt of documents and must be sufficient to cover the actual costs for the Office of the Secretary of State to furnish the information. Such costs include, but are not limited to, staff time to evaluate and request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested.
1. **No cash, credit or debit cards, or personal checks can be accepted.** Money orders, certified checks, or corporate checks are accepted.
 2. The Office of the Secretary of State will notify the requestor of the costs to obtain the information prior to processing the request, in accordance with Paragraph 2 of this Rule. Timely payment under paragraph 2 means payment received by the next business day after the cost notification is provided to the requestor. By delaying the payment of the estimated fee past the next business day, the requestor acknowledges there may be a delay in the delivery of the requested documents. No request will be processed until payment is received. The decision to charge for public records is at the discretion of the Office of the Secretary of State.
- F. **Requests for Standard Documents.** The Office of the Secretary of State has established a Schedule of Standard Documents and Fees for frequently requested information. The list of these documents and associated costs is listed in the table that follows. Should a requestor require a paper copy of these documents, he/she must initiate a request as described in this document and submit the fee listed on the Schedule of Standard Documents.
- G. **Requests for Special Documents.** Upon receipt of a request not included on the Schedule of Standard Documents and Fees, the staff of the Office of the Secretary of State will evaluate the request, research the files and other sources to determine the availability and format in which the information is stored, and estimate the “actual costs” to furnish the requested information.
1. An estimated cost will be provided to the requestor based on the volume of information, the format in which the information is stored and requested, and whether or not third party information has been requested. The requestor may submit payment for processing of the request, amend the request, and/or withdraw the request. The requestor should submit written notice of his/her intent to either proceed or withdraw the request.
 2. If no response is given by the requestor within (30) thirty days, the Office of the Secretary of State will proceed no further with the request. If at a later date, the requestor decides to proceed with the request, he/she should submit a new request.

- H. **Requests for Document Inspections.** The requestor will be billed for the total amount of time expended by employees of the Office of the Secretary of State assisting with the inspection of documents. Additional fees incident to document production may be assessed.
- I. **Public Information via the Internet.** Some information pertaining to the Office of the Secretary of State is available free of charge on the internet at www.sos.ms.gov.

Source: *Miss. Code Ann.* § 25-61-1 (Rev. 2010).